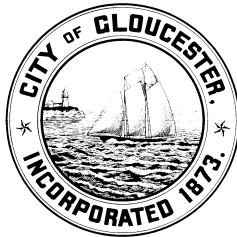


City Hall
Three Pond Road
Gloucester, MA 01930



CITY OF GLOUCESTER
HARBOR PLANNING

TEL 978-282-8017
FAX 978-281-9779
sgarcia@gloucester-ma.gov

Members:

Rick Noonan, Chair
Paul Vitale
Ralph Pino
Greg Verga [Absent]
Paul McGeary

Jeffrey Amero
Ann Molloy
Marcy Pregent
Ron Schrank
Mike Potter
Steve Cefalo

Also in attendance: Sarah Garcia, Kathryn Glenn, Tom Daniel, Alex Stryksy, and community members.

2013 Harbor Plan

February 25, 2013
Friend Room, Sawyer Free Library
7 - 9 pm

Meeting called to order at 7:05 PM by Chairman, Rick Noonan.

Approval of Minutes from January 28, 2013 postponed to next meeting.

Meeting Schedule

Some members of the committee have difficulty with the current meeting time. It was suggested to move meetings to the third Tuesday of every month.

Discussion: City Council meetings occur on Tuesdays, which may cause a conflict. Mr. Pino may not be able to attend, but would find another member of the Waterways Board to attend.

MOTION: On motion by Mr. Vitale, seconded by Mr. McGeary, the Commission voted unanimously to move regularly scheduled meetings to every third Tuesday of each month.

DPA Boundary Review

Mr. Noonan welcomed Kathryn Glenn, CZM and stated he would like to have an open discussion of all the information heard by the Commission up to this time. At some point in the next month or two the Commission will need to hire a consultant through Sarah [Garcia]'s office to help focus the Commission's efforts. Ms. Garcia added that the Boundary Review is a way to get CZM to review the industrial properties and report back on whether the meet regulations as

they stand. The Fisheries Commission is doing a dockage study and a processing study and the Waterways Board is looking into transient docking, hopefully all of this information will feed into the decision making of this Commission.

Ms. Glenn walked through her PowerPoint presentation (see attached).

Questions:

Mr. Pino asked if a partial review can be requested. Ms. Glenn answered that yes, it is possible.

Mr. Pino asked if the final decision subject to appeal. Ms. Glenn answered that the decision can be appealed through court, but there is not a process through the State.

Mr. McGeary asked if a large property is partly used for WDI and part is not, can the property be divided. Ms. Glenn answered probably not, but that will be looked at in further detail later.

Mr. Potter asked if companies like the Building Center, Gorton's, and any large parcels that have not used their property for a period of time, would they lose their designation? Ms. Glenn stated not necessarily, it just means they are eligible for review. Follow-up: Would that be good or bad? Ms. Garcia added that this question may be better asked after there is an understanding of the standards.

Mr. McGeary inquired if even if a review was initiated by a ten person petition, the City Council or Board could overrule? Ms. Glenn confirmed that means CZM could not review the area. Follow-up question from Mr. Strycky, even a property that is completed bound? Ms. Glenn confirmed that they can request that it be excluded.

Ms. Molloy asked to clarify design depth. Ms. Glenn responded that design depth means if an area could be dredged it could be dredged to 20 feet.

Mr. Potter asked who is in charge of maintenance of 20 foot depth. Mr. Cefalo responded that it is the Army Corps of Engineers.

Mr. McGeary asked if a parcel meets the criteria, if it is suitable for inclusion in WDI then it is in, unless one of the exclusions applies. Ms. Glenn clarified that the way the review is performed, is not usually by parcel, but rather by area. This means that if an area is determined to be primarily residential than one parcel in that area is unlikely to be considered industrial.

Mr. Potter stated that in one of the regulations he read there was a whole enumeration of about 25 items, some of them have been included, but there were many more. Ms. Glenn replied that Mr. Potter may have been looking at other documents. Mr. Potter asked if there is a way to make a check sheet with all of the ways Gloucester does or does not comply. For example, does Gloucester have water/sewer facilities for a fish processing plant?

Mr. Cefalo asked if the water and sewer regulations include increased future industrial use. There was discussion about what this standard may mean. Ms. Glenn reminded the Commission that the specifics of these standards would be discussed in much more detail during a review process. It was agreed that Mr. Mike Hale will be a valuable resource when having this discussion.

Mr. McGeary stated that it seems the default condition is, if a parcel is suitable according to these criteria and does not have one of the exception conditions then it will stay. There are no economic considerations in this review. Ms. Glenn confirmed that this boundary review is to determine if an area can support Water Dependent Industrial (WDI) use and does not get into an economic argument at all. It is a suitability study.

Ms. Molloy asked if there is a time where people petition to add a property. Ms. Glenn stated that has not happened in her experience. This review would more likely be to review what is existing and not to look add adding any new areas.

Mr. Noonan stated that the process is at least eleven months, and asked if that is mandated. Ms. Glenn clarified that the comment period is mandated. The review portion is within six months, but could be shorter.

Ms. Garcia asked what kind of information would need to be gathered about the parcels. Ms. Glenn stated that what would be looked are the topography, how land is used, and water standards. Ms. Glenn added that a full inventory has not been done since 2004.

Mr. McGeary stated that is seems this would be a good process to go through, even just to have current information. Ms. Glenn agreed that this is a good process in order to establish baseline information.

Mr. Daniel asked if whether or not a property is vacant would matter. Ms. Glenn answered that it would likely not, unless it is a vacancy in a residential area.

Ms. Garcia asked that since I4-C2 is surrounded by docks already, would that remove it from WDI review. Ms. Glenn stated that it may not and would have to look at it further.

Ms. Glenn clarified that there is a difference between a designated port area and Chapter 91 jurisdictional area. The previous harbor plan increased the supporting use of an entire site, not just the Chapter 91 jurisdictional area, to 50%, but 50% also has to be WDI use. This was accomplished through local zoning changes.

There was discussion about the current standing of I4-C2.

Mr. Noonan stated that, as a commission, there is a need to contemplate if this type of exercise would support efforts moving forward with recommendations.

Mr. Cefalo noted that the Current DPA zone is a wide sweeping area that includes residential areas that do not make sense.

There was discussion regarding some related ongoing projects within the City of Gloucester.

Mr. Potter asked how it was possible for some Chapter 91 designated areas to build businesses that are not water dependent, but Gloucester cannot. One answer, according to Mr. Potter, is that Boston interpreted these regulations differently and determined that paying a fee can be considered protecting citizens. Mr. Potter offered the Cape Ann Brewing Company as an example of this in Gloucester. Ms. Glenn clarified that there is a clause within Gloucester's regulations that allows for a fee to be paid as the last resort for businesses that may not be able to meet the 50% water dependent industrial use within a DPA/WDI area.

Mr. Noonan reminded the Commission that Ms. Glenn's presentation was to help decide the value of going through a formal review process. Ms. Garcia agreed and added that it would be nice to hear what people think about requesting a review after seeing this presentation.

Mr. McGeary asked if the areas reviewed by CZM are in any way directed by Gloucester. Ms. Glenn clarified that CZM would absolutely like information and feedback from Gloucester and that it would evolve through the consultative process. Ms. Pregent stated that it would be great education and asked if there is there anything that could be negative in this process. Ms. Glenn stated that there is the potential to take out a property that people would not be happy with.

However, Ms. Glenn added, there is the comment time for people to weigh in, but ultimately the decision comes from CZM.

Mr. Pino asked if, considering the current regulations, I4-C2 was taken out of the DPA, would the 50% commercial use regulation apply. Ms. Glenn clarified that if there is not a DPA designation then the 50% rule would not apply. Mr. Pino followed-up by asking if it is not DPA, then is it WDI? Ms. Glenn replied that if DPA does not apply at all, then neither do those regulations. Ms. Garcia asked what Chapter 91 would require if there are filled tidelands, but they are not within the DPA. Ms. Glenn stated that is a long answer, but you can have non-WDI on filled tidelands.

Mr. Noonan asked that non-committee members hold questions until the end of the meeting or submit them in writing.

Mr. Cefalo inquired about the cost of the review process and asked where is there potential for change. For example, Cripple Cove down to Brown's Market. Mr. McGeary stated that this would be part of the consultative process. Ms. Molloy asked if there has ever been a review where large parcels are removed. Ms. Glenn stated that there have not been many reviews, but generally there are not large parcels removed. There was discussion regarding how boundaries are determined by roads and how this impacts DPA.

MOTION: On motion by Mr. McGeary, seconded by Mr. Pino, the Harbor Planning Commission to ask the Mayor of the City of Gloucester request CZM to do a boundary review of the Designated Port Area in Gloucester.

Discussion

Mr. McGeary stated that the information that would be produced by this review is important to making a decision on whether or not to change the Harbor Plan. Mr. Cefalo recommends including areas of focus. Ms. Pregent stated that this should come out in discovery. Mr. Potter suggested adding to the motion that the Mayor address the issue of whether or not Gloucester should be a DPA at all. Ms. Molloy inquired if the Mayor's request is all it takes to begin this process. Mr. McGeary stated yes, the Mayor or the City Council. Ms. Molloy asked if the Commission should first discuss what areas are to be reviewed. Mr. Noonan stated that the Commission is probably 11 to 12 months away from making a decision. Ms. Molloy responded by stating that if the CZM review removes a parcel, that is it. Ms. Glenn reminded the Commission that the last review was performed in 1994, when downtown Gloucester was removed. Ms. Molloy suggested that it may make sense to decide what area to review, what areas the Commission is willing to potentially have removed from the DPA. Ms. Garcia stated that while it would be out of the hands of the Commission, CZM is a rather conservative organization and it is unlikely that there will be a big loosening up of the DPA in Gloucester. Mr. McGeary added that the default condition is, if a parcel is in, it stays in unless there is a compelling reason to remove it. This review is good, usable information to review the Harbor Plan and make decisions. Ms. Pregent added that if people disagree with CZM there is the chance for them to present an argument. Ms. Glenn stated that CZM takes comment very seriously. Ms. Molloy asked if property owners have any say in the process. Ms. Glenn answered that it depends on what property owners say, but they will be heard. Ms. Molloy followed up by asking what if a property is are taken out, but the owners do not want to be? Ms. Glenn responded that this does not usually happen and it is difficult to imagine that situation. Mr. Vitale inquired whether it is possible to not do an entire review and not make a final decision, but to

work together. Ms. Glenn answered that if CZM does a review it is unlikely they will not want to enforce any changes they deem necessary. Ms. Garcia observed that it does not seem like the Commission has the staff capacity and may be concerned with political implications to determine what areas should be reviewed. Mr. Noonan stated that if a property owner makes a case to stay in the DPA it is hard to imagine they will be removed. Mr. McGeary stated that it seems that if CZM looks at East Gloucester and thinks they may not be completely suitable, but the overwhelming general consensus is to keep it in, CZM will not take it out. Mr. Noonan added that there is such a small amount of protected coast line it is unlikely for them to remove any land.

Mr. Noonan called a vote.

MOTION PASSED UNANIMOUSLY.

Next Steps

Mr. Noonan welcomed discussion on the information provided and the next steps of the Commission. Mr. Schrank stated that his interests rest in pleasure boating and he would like to see more recreational boaters. Currently, the Gloucester Harbor is not friendly for recreational boaters. Ms. Pregent said that she came into the process to keep informed. She is working for the best interest of the Harbor and wants to maintain the integrity of Seaport, keeping the fishing industry at heart, frozen or fresh. She wants to keep industries in the City, keep people employed and living in the City. Ms. Molloy stated that she would like to concentrate on what is available for space to bring new people to the City. She added that it is tough to find industrial land in Gloucester and if we want to encourage people to bring water dependent business we need to know what is here. Ms. Molloy would also like to know if dredging should be done and stated that the State needs to be working with Gloucester to maintain the waterways. Mr. Noonan said that as the state moves forward with state level planning we have the opportunity to align ourselves to benefit with that planning. Mr. Vitale is interested in keeping the DPA. There is a lot of talent here and the DPA is needed. Gloucester also needs more recreational dockage. Although Gloucester is losing boats, there are transient boats from Maine coming down. Mr. Vitale also stated that with changing regulations we will find more boats coming here from other areas. Mr. Vitale would love to see some of the plans from the past for Lanesville happen and he wants to see places that employ people. Mr. Potter stated that the review seems a worthwhile endeavor regardless of what is the outcome. He added that if changes do come, they will not turn into condos overnight and local regulations will protect fisherman and WDI uses. Mr. Potter said that maybe some light industrial that is not entirely water dependent would be nice. Recreational boating is also one of Mr. Potter's focuses, as the harbor is very unfriendly. Mr. Pino stated that he tries to represent the Waterways Board and not his own personal opinions. He said that transient boating is important for the Gloucester Harbor. Mr. Pino discussed the mooring situation and the current floating dock proposal. Mr. Pino believes that more docks for commercial boats are unlikely and that establishing floating docks has huge financial issues. Mr. Pino also discussed the problems with parking in the downtown area. Mr. Pino also believes that there will be a radical change in what the fishing industry is and the Gloucester harbor will not need as much room to support this industry. The Commission needs to come up with some other uses for DPA that do not rely so much on fishing. Mr. Potter stated that everyone is right on the money. We do not need the state or federal government for anything, which has been proven. We need to take charge of the Harbor ourselves. Mr. Potter believes the Commission needs to decide

what our vision is for Gloucester. Mr. Potter expressed his concern for over regulating the waterfront and alienating potential industries and businesses. Mr. Potter also believes that Gloucester should return to Chapter 91 alone and support it with strong City zoning and help the fisherman as much as possible. Mr. McGeary suggested that each member of the Commission write a little about what they see as the vision for the Harbor and bring it to the next meeting. The Commission should develop a mission statement to guide their work. Ms. Garcia suggested that the members review the listening posts and offered to send a link. Mr. Potter asked if the Commission can do a case study on a Harbor that is working. Ms. Garcia stated that she met with some people from the Waterfront center in DC and was given 3 examples of working harbors. Ms. Garcia will put together a summary of their uses for the Commission. Mr. Potter added that there seems to be a lot of pressure to do something with I4-C2, but it could be the beginning of the future and the city should not rush into doing something with that property.

A motion was made, seconded, and voted unanimously to adjourn the meeting at 9:06 PM.